

PLEA MINUTE SHEET
 IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO (AT ALBUQUERQUE)

CR 05-1849 JH

UNITED STATES vs. Cathy Fitzgerald

Before The Honorable Judith C. Herrera, United States District Judge

Hearing Date:	June 19, 2007	Time In and Out:	9:42 a.m./		
Clerk:	Lincoln Sorrell	Court Reporter:	Paul Baca		
Defendant:	Cathy Fitzgerald	Defendant's Counsel:	Cliff McIntyre		
AUSA:	Steve Kotz	Interpreter:			Sworn
x	Defendant Sworn		First Appearance		
	Consent to proceed before a magistrate judge and original plea agreement reviewed and executed by Deft.				
x	Deft acknowledges receipt of: Information				
x	If Deft proceeding by way of information, Deft acknowledges right to an indictment and waives that right.				
x	Terms and conditions of proposed plea agreement explained.				
x	Factual predicate to sustain the plea provided.				
x	Deft questioned re Deft's age, education, physical/mental condition, and whether under the influence of alcohol, drugs, or any medication. Deft advised of charge(s), penalties and possible consequences of the plea.				
x	Deft advised of constitutional rights, loss of rights, and maximum possible penalties (including imprisonment, fine, supervised release, probation, SPA, restitution, and any forfeitures).				
x	Deft questioned re time to consult with attorney and if satisfied with his or her representation.				
x	Court finds Deft fully understands charge(s), terms of plea, and the consequences of entry into plea agreement.				
x	Deft pleads GUILTY to: information				
x	Allocution by Deft on elements of charge(s).				
x	Court finds plea freely, voluntarily, and intelligently made; plea of guilty accepted.				
x	Deft adjudged guilty.				
	Acceptance of plea agreement deferred until final disposition hearing by district judge.				
	Sentencing Date: 6/19/2007				
x	Defendant to Remain in Custody				
	Present conditions of release continued		Conditions changed to:		
	Penalty for failure to appear explained				
	Presentence Report Ordered		Expedited (Type III)		
x	Other Matters: Previous plea agreement withdrawn, Indictment dismissed; waiver of indictment filed; new Information filed; new plea agreement taken and court moves immediately to sentencing.				

x	<p>Mr. McIntyre summarizes the litigation of this case. Page 26, para. 131 criminal history computation unduly harsh. Dismissal of indictment and information will be filed. Waiver of Indictment signed and approved by court. Defense withdraws previous guilty plea and agreement. Court formally withdraws previous plea agreement before Judge Scott on 4-18-06.</p>
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